

ACT CONCERNING THE DISPOSAL OF RECORDS, APPROVED
JULY 7, 1943, AS AMENDED JULY 6, 1945*
[57 Stat. 380-383; 59 Stat. 434]

AN ACT

To provide for the disposal of certain records of the United States Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act, the word "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in this Act.

SEC. 2. The National Archives Council shall promulgate regulations, not inconsistent with this Act, establishing (1) procedures for the compiling and submitting to the Archivist of the United States of lists and schedules of records proposed for disposal, (2) procedures for the disposal of records authorized for disposal, and (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations, when approved by the President, shall be binding on all agencies of the United States Government.

SEC. 3. The head of each agency of the United States Government shall submit to the Archivist of the United States, in accordance with regulations promulgated as provided in section 2 of this Act (1) lists of any records in the custody of the agency that have been photographed or microphotographed in accordance with the said regulations and that, as a consequence thereof, do not appear to have sufficient value to warrant their further preservation by the Government; (2) lists of any other records in the custody of the agency that are not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and (3) schedules proposing the disposal after the lapse of specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or that may accumulate therein at any time after the submission of such schedules and that apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government.

*Sections 4, 6, 7, and 12 appear as amended by the act of July 6, 1945.

SEC. 4. The Archivist shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him in accordance with the provisions of section 3 of this Act, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government: *Provided*, That the Archivist shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency.

The Archivist may also submit to Congress, together with recommendations of the National Archives Council with respect thereto, and at such times as he may deem expedient, schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.

SEC. 5. Whenever the Archivist shall submit lists or schedules to Congress, it shall be the duty of the presiding officer of the Senate to appoint two Senators who, with the members of the Committee on the Disposition of Executive Papers of the House of Representatives, shall constitute a joint committee to which all such lists or schedules shall be referred, and the joint committee shall examine such lists or schedules and submit to the Senate and House of Representatives, respectively, a report of such examination and its recommendations.

SEC. 6. If the joint committee reports that any of the records listed in a list or schedule referred to it do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, the Archivist shall notify the agency or agencies having such records in their custody of the action of the joint committee and such agency or agencies shall cause such records to be disposed of in accordance with regulations promulgated as provided in section 2 of this Act: *Provided*, That authorizations granted pursuant to schedules submitted under the last paragraph of section 4 of this Act shall be permissive and not mandatory.

SEC. 7. If the joint committee fails to make a report during any regular or special session of Congress on any list or schedule submitted to Congress by the Archivist not less than ten days prior to the adjournment of such session, the Archivist may empower the agency or agencies having in their custody records covered by such lists or schedules to cause such records to be disposed of in accordance with regulations promulgated as provided in section 2 of this Act.

SEC. 8. Whenever it shall appear to the Archivist that any agency has in its custody, or is accumulating, records of the same form or character as any records of the same agency previously authorized by Congress to be disposed of, he may empower the head of such agency to dispose of such records, after they have been in existence a specified period of time, in accordance with regulations promulgated as provided in section 2 of this Act and without listing or scheduling them.

SEC. 9. Records pertaining to claims and demands by the Government of the United States or against it, or to any accounts in which the Government of the United States is concerned, either as debtor or creditor, shall not be disposed of by the head of any agency under any authorizations granted pursuant to the provisions of sections 6, 7, and 8 of this Act, until such claims, demands, and accounts have been settled and adjusted in the General Accounting Office, except upon the written approval of the Comptroller General of the United States.

SEC. 10. Whenever the Archivist and the head of the agency that has custody of them shall jointly determine that any records in the custody of any agency of the United States Government are a continuing menace to human health or life or to property, the Archivist shall cause such menace to be eliminated immediately by whatever method he may deem necessary. If any records in the custody of the Archivist are disposed of under this section, the Archivist shall report the disposal thereof to the agency from which they were transferred.

SEC. 11. At any time during the existence of a state of war between the United States and any other nation or when hostile action by a foreign power appears imminent, the head of any agency of the United States Government may authorize the destruction of any records in his legal custody situated in any military or naval establishment, ship, or other depository outside the territorial limits of continental United States (1) the retention of which would be prejudicial to the interests of the United States or (2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation: *Provided*, That within six months after the disposal of any such records, the official who directed the disposal thereof shall submit a written report thereon to the Archivist in which he shall describe the character of such records and state when and where the disposal thereof was accomplished.

SEC. 12. The Archivist shall transmit to Congress at the beginning of each regular session reports as to the records authorized for disposal under the provisions of section 7 of this Act and as to the records disposed of under the provisions of sections 10 and 11 of this Act.

SEC. 13. Photographs or microphotographs of any records made in compliance with regulations promulgated as provided in section 2 of this Act shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

SEC. 14. All moneys derived by agencies of the Government from the sale of records authorized for disposal under the provisions of this Act shall be paid into the Treasury of the United States unless otherwise required by existing law applicable to the agency.

SEC. 15. The procedures herein prescribed are exclusive and no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of this Act.

SEC. 16. The Act entitled "An Act to provide for the disposition of certain records of the United States Government", approved August 5, 1939 (53 Stat. 1219), the Act entitled "An Act to provide for the disposition of certain photographed records of the United States Government; and for other purposes", approved September 24, 1940 (54 Stat. 958), and all other Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.